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February 12, 2008

BY E-FILE

The Honorable Joseph J. Farnan, Jr.
 United States District Court, District of Delaware
 844 North King Street
 Wilmington, DE 19801

Re: *NICE Systems, Inc. and NICE Systems, Ltd. v. Witness Systems, Inc.*
C.A. No. 06-311 (JJF) - Re-trial Scheduling

Dear Judge Farnan:

I write in response to Witness Systems' letter dated February 5, 2007 in which it seeks to delay the scheduling of re-trial to a date other than the earliest time the Court's calendar can accommodate. Witness essentially requests an indefinite delay of the re-trial in the above matter until the third of three cases pending in the Northern District of Georgia is set for trial.

NICE filed suit against Witness Systems in the District of Delaware, in part, due to its ability to efficiently resolve cases by scheduling prompt trial dates. Witness Systems, on other hand, selected the Northern District of Georgia as its forum of choice for the three litigations currently pending in that jurisdiction. The resolution of the case before Your Honor should not be unnecessarily and indefinitely delayed until a trial date is set in a case which has been pending in the Northern District of Georgia since August 30, 2004, two years before suit was filed in Delaware.

NICE reiterates its request for a re-trial at the earliest available date available on Your Honor's calendar. Because the parties have recently tried these issues, there is no dispute that the case is in fact ready for trial and a prompt trial date would allow the retrial to proceed more efficiently and cost effectively while preparation and memories are relatively fresh. In connection with the setting of a date, Witness has advised Your Honor of two cases pending in

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The Honorable Joseph J. Farnan, Jr.

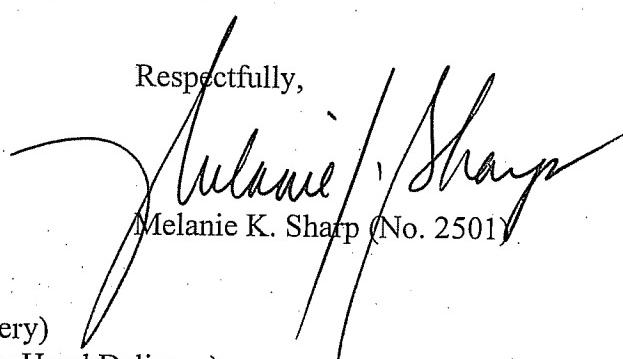
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the Northern District of Georgia between the parties which are now set for trial on March 17 (bench trial with three patents-in-suit) and May 12 (jury trial with one patent-in-suit). Each trial should require no more than one week to complete. Thus, even working around the trials as presently scheduled, assuming the trial dates hold, the parties are available for re-trial in Delaware at the Court's earliest convenience in June or July, if not earlier.

In light of the above, NICE respectfully requests a date for re-trial at the earliest time the Court's calendar can accommodate. Counsel is available at the Court's convenience, should Your Honor have any questions.

Respectfully,


Melanie K. Sharp (No. 2501)

MKS:mg

cc: Clerk of the Court (by Hand Delivery)
William J. Marsden Jr., Esquire (by Hand Delivery)